



February 26, 2016

ENGROSSED SENATE BILL No. 174

DIGEST OF SB 174 (Updated February 24, 2016 5:01 pm - DI 69)

Citations Affected: IC 35-44.1; IC 35-48.

Synopsis: Criminal law matters. Provides that a person who, with intent to: (1) deceive; or (2) induce compliance with the person's instructions, orders, or requests; falsely represents that the person is a public servant, commits impersonation of a public servant, a Class A misdemeanor. Creates the offense of dealing in a controlled substance by a practitioner, and enhances the offense if the offenses causes the death of another person.

Effective: July 1, 2016.

Young R Michael, Steele

(HOUSE SPONSOR — FRIZZELL)

January 5, 2016, read first time and referred to Committee on Corrections & Criminal Law.
January 13, 2016, amended, reported favorably — Do Pass.
January 19, 2016, read second time, ordered engrossed. Engrossed.
January 21, 2016, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Courts and Criminal Code.
February 25, 2016, amended, reported — Do Pass.

ES 174—LS 6599/DI 106



February 26, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 174

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44.1-2-6, AS AMENDED BY P.L.158-2013,
2 SECTION 505, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a)** A person who, **with intent**
4 **to:**

5 **(1) deceive; or**

6 **(2) induce compliance with the person's instructions, orders,**
7 **or requests;**

8 falsely represents that the person is a public servant, **with intent to**
9 **mislead and induce another person to submit to false official authority**
10 **or otherwise to act to the other person's detriment in reliance on the**
11 **false representation**, commits impersonation of a public servant, a
12 Class A misdemeanor, **except as provided in subsection (b).**

13 **(b) However, a person who The offense described in subsection**
14 **(a) is a Level 6 felony if the person** falsely represents that the person
15 **is:**

16 **(1) a law enforcement officer; or**

17 **(2) an agent or employee of the department of state revenue, and**

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1 collects any property from another person.

2 ~~commits a Level 6 felony:~~

3 SECTION 2. IC 35-48-4-1.5 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2016]: **Sec. 1.5. A practitioner (as defined by IC 16-42-19-5) who**
6 **knowingly or intentionally prescribes a schedule I, II, III, IV, or V**
7 **controlled substance without a legitimate medical purpose commits**
8 **dealing in a controlled substance by a practitioner, a Level 4**
9 **felony. However, the offense is a Level 3 felony if the offense is the**
10 **proximate cause of another person's death.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 174, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 3 through 34.

Page 2, line 37, delete "(a)".

Page 2, line 37, delete "health care provider, as defined by" and insert "**practitioner (as defined by)**".

Page 2, line 38, delete "IC 16-18-2-163(c)," and insert "**IC 16-42-19-5)**".

Page 2, line 38, delete "prescribes," and insert "**prescribes**".

Page 2, line 39, delete "administers, or provides".

Page 2, line 40, delete ":".

Page 2, line 41, delete "(1)".

Page 2, line 41, delete "; or".

Page 2, delete line 42.

Page 2, run in line 40 through page 3, line 1.

Page 3, line 1, delete "health care" and insert "**practitioner,**".

Page 3, line 2, delete "provider,".

Page 3, line 2, after "felony." insert "**However, the offense is a Level 3 felony if the offense is the proximate cause of another person's death.**".

Page 3, delete lines 3 through 14.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 174 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 1.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "defraud;" and insert "**deceive;**".

and when so amended that said bill do pass.

(Reference is to SB 174 as printed January 14, 2016.)

WASHBURN

Committee Vote: yeas 8, nays 0.

